IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 971 OF 2007

SMT. MATHURABAI B. TAVARE ..PETITIONER

V/S

GAJANAN H. KULKARNI ..RESPONDENT

SHRI P.K. DHAKEPALKAR I/BY S.R. GANBHAVALE

FOR PETITIONER.

MR. V.A. THORAT I/BY N.V. GANGAL, ADVOCATE FOR

RESPONDENT NOS. 1(a) & 1(b).

CORAM : S.K. SHAH, J.

DATE : 23RD MARCH 2007.

P.C.

. Heard learned counsel on both sides. The counsels agree that the application filed by the petitioner for joining her as legal representative of the deceased Bakaji Tawre in the proceeding be decided by the trial court on its own merits. As such the writ petition stands disposed of. The impugned order is hereby set aside. The application filed by the petitioner for joining her to the proceedings before the trial court being the legal representative of the

deceased Tawre shall be heard by the trial court on its own merits at the earliest. The Execution Petition shall not be decided unless this application is decided. The writ to go to the executing court.

(S.K. SHAH, J.)